

Senate File 332

H-1250

1 Amend Senate File 332, as passed by the Senate, as follows:

2 1. Page 3, after line 5 by inserting:

3 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division of this  
4 Act, being deemed of immediate importance, takes effect upon  
5 enactment.>

6 2. Page 3, by striking lines 7 through 9 and inserting:

7 <DRUG OVERDOSE PREVENTION AND CRIME VICTIM ASSISTANCE

8 Sec. \_\_\_\_\_. Section 123.46, Code 2017, is amended by adding  
9 the following new subsections:

10 NEW SUBSECTION. 7. A person shall not be charged or  
11 prosecuted for a violation of this section if the person is  
12 immune from charge or prosecution pursuant to section 701.12.

13 Sec. \_\_\_\_\_. Section 123.47, Code 2017, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 9. A person shall not be charged or  
16 prosecuted for a violation of subsection 3 or 4 if the person  
17 is immune from charge or prosecution pursuant to section  
18 701.12.

19 Sec. \_\_\_\_\_. Section 124.401, Code 2017, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 6. A person shall not be charged or  
22 prosecuted for a violation of subsection 5 if the person is  
23 immune from charge or prosecution pursuant to section 701.12.

24 Sec. \_\_\_\_\_. Section 124.407, Code 2017, is amended by adding  
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. A person shall not be charged or  
27 prosecuted for a violation of this section if the person is  
28 immune from charge or prosecution pursuant to section 701.12.

29 Sec. \_\_\_\_\_. Section 124.414, Code 2017, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 4. A person shall not be charged or  
32 prosecuted for a violation of this section if the person is  
33 immune from charge or prosecution pursuant to section 701.12.

34 Sec. \_\_\_\_\_. Section 321.284, Code 2017, is amended by adding  
35 the following new subsection:

1     NEW SUBSECTION. 3. A person shall not be charged or  
2 prosecuted for a violation of this section if the person is  
3 immune from charge or prosecution pursuant to section 701.12.  
4     Sec. \_\_\_\_\_. Section 321.284A, Code 2017, is amended by adding  
5 the following new subsection:  
6     NEW SUBSECTION. 6. A person shall not be charged or  
7 prosecuted for a violation of this section if the person is  
8 immune from charge or prosecution pursuant to section 701.12.  
9     Sec. \_\_\_\_\_. NEW SECTION. 701.12 **Persons seeking emergency**  
10 **assistance for overdose or crime victims — immunity.**  
11     1. A person shall not be charged or prosecuted for the  
12 violation of any of the following offenses if the evidence  
13 for the charge was obtained as a result of the person in good  
14 faith seeking emergency assistance for the person or another  
15 person due to an alcohol or drug-related overdose or because  
16 the person or other person is a victim of a crime prohibited by  
17 chapter 708, 709, or 710A:  
18     *a.* Section 123.46.  
19     *b.* Section 123.47, subsection 3 or 4.  
20     *c.* Section 124.401, subsection 5.  
21     *d.* Section 124.407.  
22     *e.* Section 124.414.  
23     *f.* Section 321.284.  
24     *g.* Section 321.284A.  
25     2. To be eligible for immunity under this section, the  
26 reporting person, or persons acting in concert, must do all of  
27 the following:  
28     *a.* Be the first person to seek emergency assistance.  
29     *b.* Provide the reporting person's name and contact  
30 information to medical or law enforcement personnel.  
31     *c.* Remain on the scene until assistance arrives or is  
32 provided.  
33     *d.* Cooperate with medical and law enforcement personnel.  
34     3. The person for whom emergency assistance was sought as  
35 described in subsection 1 shall not be charged or prosecuted

1 for an offense listed in subsection 1.>

2 3. Title page, line 1, after <schedules,> by inserting  
3 <providing immunity from certain criminal offenses for persons  
4 who report, seek, or require emergency assistance for alcohol  
5 or drug-related overdoses or protection from certain crimes,>

6 4. By renumbering as necessary.

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ISENHART of Dubuque

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ABDUL-SAMAD of Polk